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August 2, 2005

Paul Hart Smyth, Assistant U.S. Attorney  
U.S. Department of Justice  
1550 Main Street, Room 310  
Springfield, MA 01103

Re: United States of America  
v. Charles Howard, *et al.*  
U.S. District Court (D. Mass.)  
Crim. No.: 05-30030-MAP

Dear Mr. Newhouse:

Thank you for your letter of June 30, 2005. To follow on our telephone conversation yesterday, please be advised as follows with respect to discovery in this matter:

1. *Defendant's Discovery Responses.*

Before a more definitive response is made, I will need to receive and review the "additional discovery" to be provided by the government, as referenced in paragraph 2 of the Status Report forwarded by fax this morning. With that said, please be advised that:

a. In accordance with Local Rule 116.1 (D), and Fed. R. Crim. P. 16(b)(1)(A) and (B), please be advised that, at present and to the defendant's present information, there are no items within the defendant's possession, custody or control which fall within the purview of Fed. R. Crim. P. 16(b)(1)(A) and (B) and which are not otherwise exempted from disclosure pursuant to Fed. R. Crim. P. 16(b)(2);

b. With respect to your request under Fed. R. Crim. P. 12.1 concerning notice of an alibi defense, please be advised that the defendant is unable at present to respond, inasmuch as your request fails to specifically state "the time, place and date of the alleged offense." Please therefore provide this information in accordance with Fed. R. Crim. P. 12.1(a)(1); and

c. In response to your requests directed to Fed. R. Crim. P. 12.2 and 12.3, please be advised that, at present, the defendant does not intend to assert a defense of insanity or a defense of exercise of public authority.

2. *Defendant's Discovery Requests.*

a. In accordance with Fed. R. Crim P. 16(a)(1)(F) and (G), the defendant requests that the government produce forthwith the information delineated therein.

b. In accordance with Fed. R. Crim P. 16(a)(1)(E), the defendant requests the following materials which are material to preparation of his defense:

1. complete information and related documents evidencing the promises, rewards and/or inducements offered or made to or received by Julian Rios.

Should you have any questions or comments, please do not hesitate to contact me. Until then, I look forward to your response.

Very truly yours,



Mark J. Albano

cc:

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Bethany Healy, Magistrate's Clerk  
UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
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